



PCT
04 MAR 2005
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference BP107390/JS/BK | | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/FI 03/00656 | International filing date (day/month/year) 05.09.2003 | Priority date (day/month/year) 06.09.2002 | |
| International Patent Classification (IPC) or both national classification and IPC A23L1/212 | | | |
| Applicant RAVINTOR AISIO OY et al. | | | |
| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p> | | | |
| <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p> | | | |
| Date of submission of the demand 25.02.2004 | | Date of completion of this report 20.01.2005 | |
| Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | | Authorized Officer Uhl, M Telephone No. +49 89 2399-8654  | |

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/FI 03/00656**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-14 as originally filed

Claims, Numbers

1-23 received on 07.01.2005 with letter of 07.01.2005

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 1-23 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 1-23 |
| | No: Claims | |
| Industrial applicability (IA) | Yes: Claims | 1-23 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/FI 03/00656

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

A gelly edible product containing a starchy vegetable material having a water content of at least 60% by weight and the amount of starch derived from the vegetable material being from 2-70% by weight of the dry substance of the product is not known from the prior art. The process in US1090550 comprises the heating with steam under pressure, the addition of water and the expanding and cooling of the material (see whole document, in particular the tables and ex.2, where a cooking temperature of 146°C is reached under a pressure of 689 kPa and a cooling with the dilution water (temperature 35°C) down to a temperature of between 73 and 98°C at atmospheric pressure and a final water content between 75 and 93% (°C calculated from °F; kPa calculated from psig). This process is similar to the here claimed process (claims 9-22). However neither the process nor the product disclosed therein implicitly define a starch content of 2-70% by weight of the ready product. Therefore the subject matter of claims 1-8 and 23 (product) and 9-22 (process) is considered to be novel over the prior art (Art. 33(2) PCT). Problem was to improve the nutritional value and the mouthfeel of products prepared according to the claimed method. There was no hint in the available prior art for the choice of features as those defining the claimed process and the products. Therefore the claimed invention involves an inventive activity (Art 33(3) PCT).